



State of California
Medical Board of California
2005 Evergreen Street, Suite 1200
Sacramento, Ca 95815
www.mbc.ca.gov

Memorandum

Date: October 12, 2011
To: Board Members
From: Kurt Hepler, Senior Staff Counsel
Subject: Polysomnography Regulations

Members, the polysomnographic registration regulations are back before you for your review and consideration. As you may recall, when the Board first considered the regulations, there was an issue regarding the “grandfathering” of certain registration requirements. Specifically, the issue was whether the grandfathering applied to the examination requirement only or all the registration requirements. Consistent with the enabling legislation, the Board’s proposed regulations permitted potential registrants to be released or grandfathered from the examination requirement if they had been practicing polysomnography safely for a period of five years.

The proponents of the original bill had suggested that the grandfathering needed to be applied globally to persons who had been practicing polysomnography safely for five or more years. However, this suggestion was not consistent with the enabling legislation.

The matter has now been resolved, as the applicable statute, section 3575 of the Business and Professions Code, has been amended to clarify that the grandfathering is applicable to the overall qualifications for a polysomnographic technologist, meaning that a person is eligible for registration if he or she meets the specified requirements or has been practicing polysomnography safely for five years.

These regulations, as proposed to be amended, establish eligibility requirements that are consistent with statute. If you agree, the proper action would then be to approve the revised text, circulate the regulations for a fifteen-day comment period, and in the absence of any adverse comments, authorize the Executive Director to complete the rulemaking file. If adverse comments are received, the regulations will have to be brought back before the Board.

Please contact me if you have any questions.

MEDICAL BOARD OF CALIFORNIA
Polysomnography Program

Third Modified Text

(To save paper, only the sections being amended are included in this Notice.)

Changes to the originally proposed language are shown in
double underline in bold with shading for new text and
double strikethrough in bold with shading for deleted text.

Add Chapter 3.5 to Division 13 of Title 16, California Code of Regulations, to read as follows:

Chapter 3.5. Polysomnography

* * *

1378.9. Examination.

~~(a)~~ The certification examination offered by the Board of Registered

Polysomnographic Technologists is approved by the board for purposes of qualifying for registration pursuant to Chapter 7.8 of Division 2 of the code:

~~(b) An applicant who applies for registration as a polysomnographic technologist on or before October 22, 2012, may, in lieu of successful completion of the examination approved by the board, submit any of the following as proof that the applicant has been practicing polysomnography safely for at least five years:~~

~~(1) One or more declarations under penalty of perjury by a supervising physician attesting to the period of time the physician supervised the applicant, the tasks performed by the applicant, and the applicant's ability to practice polysomnography safely.~~

~~(2) A letter of good standing from each state in which the applicant is registered or licensed.~~

NOTE: Authority cited: Sections 2018 and 3575, Business and Professions Code.
Reference: Sections 3575-3577, Business and Professions Code.

1378.11. Registration Requirements.

(a) Polysomnographic Trainee. In addition to the requirements set forth in Section 3575(c) of the code, an applicant for registration as a polysomnographic trainee shall meet the following requirements:

(1) Not be subject to denial under Section 3576 of the code; and

(2) Have either (A) a high school diploma or GED and six months of supervised direct polysomnographic patient care experience; or (B) be currently enrolled in an approved polysomnographic education program; and

(3) Possess at the time of application a current certificate in Basic Life Support issued by the American Heart Association.

(b) Polysomnographic Technician. In addition to the requirements set forth in Section 3575(c) of the code, an applicant for registration as a polysomnographic technician shall meet the following requirements:

(1) Not be subject to denial under Section 3576 of the code; and

(2) Have successfully completed an approved polysomnographic education program;
and

(3) Possess a minimum of six months experience as a registered polysomnographic trainee; and

(4) Possess at the time of application a current certificate in Basic Life Support issued by the American Heart Association.

(c) (1) Polysomnographic Technologist. An applicant for registration as a polysomnographic technologist shall meet the requirements set forth in Sections 3575 and 3576 of the code and shall possess at the time of application a current certificate in Basic Life Support issued by the American Heart Association.

(2) With respect to applications received on or before October 22, 2012, an applicant for registration as polysomnographic technologist may satisfy the requirements of subdivision (b)(1) of section 3575 of the Code by submitting any of the following as proof that the applicant has been practicing polysomnography safely for at least five years:

(A) One or more declarations under penalty of perjury by a supervising physician attesting to the period of time the physician supervised the applicant, the tasks performed by the applicant, and the applicant's ability to practice polysomnography safely.

(B) A letter of good standing from each state in which the applicant is registered or licensed.

NOTE: Authority cited: Sections 2018 and 3575, Business and Professions Code.
Reference: Section 3575-3577, Business and Professions Code.

* * *